

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
UNITED STATES OF AMERICA,

-against-

LINCOLN GRANT,

Defendant.
-----X

07 CR 729 (SJ)

**MEMORANDUM
AND ORDER**

A P P E A R A N C E S

UNITED STATES ATTORNEY

Benton J. Campbell

United States Attorney

225 Cadman Plaza East

Brooklyn, New York 11201

By: Matthew S. Amatruda, Esq.

Attorney for Plaintiff

FEDERAL DEFENDERS OF NEW YORK, INC.

16 Court Street – 3rd Floor

Brooklyn, NY 11241

By: Peter Kirchheimer, Esq.

Attorney for Defendant

JOHNSON, Senior District Judge:

Presently before the Court is a Report and Recommendation (“Report”) issued by Magistrate Judge Victor V. Pohorelsky on February 14, 2008 regarding a motion to suppress filed by Defendant Lincoln Grant (“Defendant”). Defendant’s Motion was filed on December 4, 2007 and referred to United States Magistrate Judge Pohorelsky on December 5, 2007.

A district court judge may designate a magistrate judge to hear and determine certain motions pending before the Court and to submit to the Court

proposed findings of fact and a recommendation as to the disposition of the motion. See 28 U.S.C. § 636(b)(1). Within 10 days of service of the recommendation, any party may file written objections to the magistrate's report. See id. The Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the report and recommendation to which no objections are addressed. See Thomas v. Arn, 474 U.S. 140, 150 (1985).

In addition, failure to file timely objections may waive the right to appeal the magistrate's decision. See 28 U.S.C. § 636(b)(1); Small v. Sec'y of Health & Human Servs., 892 F.2d 15, 16 (2d Cir. 1989). While the level of scrutiny entailed by the court's review of the report depends on whether or not objections have been filed, in either case the court is free, after review, to accept, reject, or modify any of the magistrate judge's findings or recommendations. See Wood v. Schweiker, 537 F. Supp. 660, 661 (D.S.C. 1982).

In the case at bar, neither party filed any objections to the Report. Upon review of the recommendations, this Court adopts Judge Pohorelsky's Report in its entirety. The motion to suppress is DENIED.

SO ORDERED.

Dated: March 31, 2008
Brooklyn, NY


Senior United States District Judge